

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

U1IT4LESS, INC., D/B/A NYBIKERGEAR

Plaintiff,

v.

FEDEX CORPORATION, FEDEX  
CORPORATE SERVICES, INC., AND  
FEDEX GROUND PACKAGE SYSTEM,  
INC.

Defendants.

**No. 11-cv-1713 (KBF)**

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Plaintiff, U1IT4LESS, INC., D/B/A NYBIKERGEAR, hereby appeals to the United States Court of Appeals for the Second Circuit from the Opinion and Order entered in this action by the Honorable Katherine B. Forrest of the United States District Court for the Southern District of New York on January 27<sup>th</sup>, 2016, granting Final Summary Judgment dismissing Plaintiff's action (Docket #205), as well as earlier orders by the Honorable Katherine B. Forrest, U.S.D.J., in this action, including, but not limited to: (1) the June 25<sup>th</sup>, 2015, partial Summary Judgment Opinion and Order enforcing Defendants' class action waiver (Docket #169); (2) the August 4<sup>th</sup>, 2015, Order denying Plaintiff's motion to enforce the Court's prior Order directing Defendants to produce certain requested data (Docket #175); and (3) the September 25<sup>th</sup>, 2012, Opinion and Order dismissing Plaintiff's Count IV (Docket #55).

A true and correct copy of the Order granting Final Summary Judgment dismissing Plaintiff's action is annexed hereto as Exhibit A.

Dated: February 24, 2016

Respectfully submitted,

By: /s/ Peter J. Cambs, Sr.  
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**CERTIFICATE OF SERVICE**

I, Peter Cambs, declare under penalty of perjury that on February 24, 2016, I electronically filed this Document with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to:

|   |   |
|---|---|
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